

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois)	
Petition for a Certificate of Public)	
Convenience and Necessity, pursuant to)	
Section 8-406.1 of the Illinois Public Utilities)	
Act, and an Order pursuant to Section 8-503)	
of the Public Utilities Act, to Construct,)	Docket No. 12-0598
Operate and Maintain a New High Voltage)	
Electric Service Line and Related Facilities)	
in the Counties of Adams, Brown, Cass,)	
Champaign, Christian, Clark, Coles, Edgar,)	
Fulton, Macon, Montgomery, Morgan,)	
Moultrie, Pike, Sangamon, Schuyler, Scott)	
and Shelby, Illinois.)	

**REPLY OF LOCKHART LIVING TRUST DATED AUGUST 26, 1996,
CHERYL GIVEN AND RHONDA BROCKETT FURTHER IN
SUPPORT OF THEIR APPLICATION FOR REHEARING**

As a preliminary matter, the Lockhart Living Trust Dated August 26, 1996, Cheryl Given and Rhonda Brockett (hereinafter, “Lockhart”, “Given” and “Brockett” or collectively “Petitioners”) do not believe they are precluded by 220 ILCS 5/10-113(a) from seeking a rehearing on the Second Order on Rehearing issued in the above captioned docket entered on February 20, 2014 because that Order was the first time the ICC made any final decision on Pawnee-Pana Segment of the Illinois Rivers Project described in Section VIII of the Order. Prior to that Order, no decision had been made. (See, Second Order on Rehearing, pp. 5 and 6) Therefore, as to this specific part of the Order, this is the first opportunity to seek a rehearing on the decision made by the ICC.

Petitioners strongly contest Ameren Transmission Company of Illinois’ (“ATXI”) assertion that the “Trust indisputably did receive notice” (ATXI Response at p. 1). There is no affidavit that accompanies ATXI’s Response filed by ATXI that refutes the sworn testimony of Mr. Lockhart, Ms. Given and Ms. Brockett presented in their

affidavits. Further, attached hereto and incorporated herein is the Second Affidavit of Robert Lockhart who again addresses the lack of notice given to the owners of the Lockhart/Given/Brockett Property. (See, 2d Lockhart Aff, ¶¶ 2-3).

A simple explanation exists for why the Trust, Ms. Givens and Ms. Brockett received no notice. There are two separate Property Tax I.D. numbers for Parcels A and B that used to be part of the original Gresham farm. (See 1st Lockhart Aff. Ex. 1 and 2d Lockhart Aff, ¶ 4). Juanita Brownback and her husband Dean Brownback own Parcel A and reside in the old family farmhouse. (2d Lockhart Aff, ¶ 4). Mr. and Mrs. Brownback are in their 90's. (2d Lockhart Aff, ¶ 4). Parcel A's Tax I.D. Number is 11-25-06-300-006-00. (2d Lockhart Aff, ¶ 4 and See <http://christian.il.bhamaps.com> search for Tax I.D. Number 11-25-06-300-006-00). Parcel B has a different Tax I.D. Number.

Ms. Brownback is not the owner of Parcel B, which is Lockhart/Given/Brockett Property nor was she ever authorized by the Lockhart Family Trust, or co-owners of Parcel B to be listed as the owner of Parcel B. (2d Lockhart Aff, ¶¶ 4 and 5). At no time did Juanita Brownback send Robert Lockhart, the trustee, or Ms. Given or Ms. Brockett as the co-owners of Parcel B, any notice she received for the Lockhart/Given/Brockett Property. (2d Lockhart Aff, ¶ 4). That Mrs. Brownback was sent notice as ATXI claims could have been entirely in her capacity as owner of Parcel A, with PIN number 11-25-06-300-006-0000.

Indeed, at some point in time ATXI must have learned that Ms. Brownback was **not** the owner of the Lockhart/Given/Brockett Property. Indisputably ATXI's letters to the Lockhart Trust, Ms. Given and Ms. Brockett all dated March 5, 2014, following the ICC's Second Order on Rehearing were **not** sent to Mrs. Brownback, but instead were

sent to Ms. Given at her address, Ms. Brockett at her address and to the Trust at the address for Mr. Schafer, the farmer for the Lockhart/Given/Brockett Property. (Given Aff. Ex. 3, Brockett Aff. Ex. 3 and 1st Lockhart Affidavit Ex. 5). All of these persons live at addresses that are different from Mrs. Brownback's home address. (1st Lockhart Affidavit Ex. 5 and 2d Lockhart Aff, ¶ 7).

ATXI makes much of the issue that the modification to the Second Alternate Route 2 concerns a portion of the Route that is not near Petitioners' family farm. (ATXI Response at p. 5). The point is that this was again an opportunity missed to notify the correct owners of the Lockhart/Given/Brockett Property of the ICC proceeding and the planned Pawnee-Pana Alternate Route 2. Petitioners fully know that the modified Alternate Route 2 is to the northwest of their Property, but it is part of the same Pawnee-Pana segment of the planned transmission line.¹ Petitioners' uncontroverted evidence is that they did not receive any notice of that modification, or of anything else concerning the ICC proceeding before the early March 2014 ATXI letters sent to the Trust at Mr. Schafer's address and to Ms. Given and Ms. Brockett at their homes.

Finally, no where in ATXI's Response does ATXI contest the severe negative impact that ATXI's Alternative Route 2 will have on the Lockhart/Given/ Brockett Property. That is the key issue with respect to Alternate Route 2 described in detail in the affidavits of Mr. Lockhart, Ms. Given and Ms. Brockett. Granting rehearing on the Pawnee-Pana segment of the Second Order on Rehearing will not unduly delay the proceedings and will allow these adversely affected landowners, who had no prior notice,

¹ Petitioners' Application for Rehearing and Mr. Lockhart's first affidavit includes Lockhart Exhibits 6 and 7 which are maps showing the location of the Lockhart/Given/Brockett Property to the south east of the Alternate Route 2 modification, but significantly the maps demonstrate that ATXI's proposed Alternate Route 2 cuts through the middle of their farm.

to fully present evidence of how the Alternate Route 2 will disproportionately and negatively impact their property.

In conclusion, for the foregoing reasons, Lockhart Living Trust dated August 26, 1996, Cheryl Given and Rhonda Brockett request that their Application for Rehearing be granted.

Dated: April 1, 2014

Respectfully submitted,
Lockhart Living Trust dated August 26, 1996,
Cheryl Given and Rhonda Brockett

/s/ Elizabeth D. Sharp
By: Elizabeth D. Sharp

Elizabeth D. Sharp
The Law Offices of Elizabeth D. Sharp, P.C.
200 South Wacker Drive, Suite 2300
Chicago, IL 60606
Office: (312) 346-1726
Fax: 312-346-2069
lsharp@sharp-law.com

Stephen J. Moore
Thomas H. Rowland
Kevin D. Rhoda
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654
(312) 803-1000 (voice)
(312) 803-0953 (fax)
steve@telecomreg.com
tom@telecomreg.com
krhoda@telecomreg.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Reply Lockhart Living Trust dated August 26, 1996, Cheryl Given and Rhonda Brockett's Further in Support of Their Application for Rehearing has been served upon the parties reported by the Clerk of the Commission as being on the service list of this docket, on the 1st day of April 2014 by electronic mail.

/s/ Stephen J. Moore

Stephen J. Moore
Rowland & Moore LLP
200 West Superior Street
Suite 400
Chicago, Illinois 60654
(312) 803-1000
steve@telecomreg.com

ATTORNEY FOR LOCKHART LIVING TRUST
DATED AUGUST 26, 1996, CHERYL GIVEN
AND RHONDA BROCKETT